

#26/04  
 Resub. Req  
 01/11/04  
 (5/13/04)  
 (PS)

**Certificate Of Transmission**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 308-7952 on May 10, 2004.

Respectfully submitted,

B. S. K.  
 By: Byron S. Kuzan  
 Registration Number 51,255  
 Banner & Witcoff, Ltd.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of )

Joel L. PASSKE, et al. )

Serial Number 09/887,523 )

Appeal Number 2004-1294 )

Filed: June 21, 2001 )

For: FOOTWEAR WITH BLADDER FILTER )

Group Art Unit: 3728

Examiner: Stashick, A.

Attorney Reference: 005127.00094

BOARD OF PATENT  
 APPEALS &  
 INTERFERENCES  
 MAY 10 2004

**RESUBMISSION OF REQUEST FOR ORAL HEARING**

Commissioner for Patents  
 United States Patent and Trademark Office  
 Alexandria, VA 22313

Sir:

Included with this correspondence is: (1) a copy of a previously-submitted Request For Oral Hearing dated July 25, 2003 and (2) a copy of a return postcard that is stamped with a date of July 25, 2003 by the Office of Initial Patent Examination to acknowledge receipt of the Request For Oral Hearing on July 25, 2003.

A recently-received Docketing Notice, dated April 28, 2004, states "Request for Hearing filed on: None." Accordingly, Appellants respectfully resubmit the Request For Oral Hearing pursuant to 37 C.F.R. §1.194 and respectfully request that an oral hearing be granted in the above-captioned appeal.

Appellants authorize the Commissioner to charge a fee of \$280.00, as set forth in 37 C.F.R. §1.17(d) on the date in which the Request For Oral Hearing was originally submitted, to deposit account number 19-0733. Should additional fees be necessary in connection with this Resubmission, the Request For Oral Hearing, or the Appeal Brief, the Commissioner is authorized to charge the cost of the additional fees to the above deposit account.

Respectfully submitted,

By: Byron S. Kuzara  
Registration No. 51,255

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Telephone: (202) 824-3000

Dated: May 10, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

*In re* Application of )

Joel L. PASSKE, et al. )

Serial Number 09/887,523 )

Filed: June 21, 2001 )

For: FOOTWEAR WITH BLADDER FILTER )

Group Art Unit: 3728

Examiner: Stashick, A.

Attorney Reference: 005127.00094

**REQUEST FOR ORAL HEARING**

Commissioner for Patents  
 U.S. Patent and Trademark Office  
 Alexandria, VA 22313

BOARD OF PATENT  
 APPEALS &  
 INTERFERENCES  
 MAY 10 2004

Sir:

Appellants respectfully request an oral hearing pursuant to 37 C.F.R. §1.194 in the appeal in the above-captioned patent application. Appellants authorize the Commissioner to charge a fee of \$280.00, as set forth in 37 C.F.R. §1.17(d), to deposit account number 19-0733. Should additional fees be necessary in connection with this Request or the Appeal Brief, the Commissioner is authorized to charge the cost of the additional fees to the above deposit account.

Respectfully submitted,

By: Byron S. Kuzara  
 Registration No. 51,255

Banner & Witcoff, Ltd.  
 1001 G Street, N.W.  
 Washington, D.C. 20001-4597  
 Telephone: (202) 824-3000

Dated: July 25, 2003



Session Number	Order Date	Requisition Number	Billing Method	Bill Date	Auth Code	Original Amount	Billed Amount	Action Code	Status Code	Unbilled Amount	Billing Indicator	Adjustment Amount	Adjustment Date
17078	4023	GY7GQ240239849	S		006970	10.18	10.18	A	Y	10.18	N		
17078	4023	GY7GQ240239850	S		006970	23.04	23.04	A	Y	23.04	N		
17078	4023	GY7GQ240239851	S		006970	135.24	135.24	A	Y	135.24	N		
17078	4023	GY7GQ240239852	S		006970	35.84	35.64	A	Y	35.64	N		
17078	4023	GY7GQ240239853	S		006970	14.36	14.36	A	Y	14.36	N		
17078	4023	GY7GQ240239854	S		006970	1.44	1.44	A	Y	1.44	N		
17078	4023	GY7GQ240239855	S		006970	0.40	0.40	A	Y	0.40	N		
Unbilled Total:						220.30							
17078	4023	GY7GQ240239856	S	040104	006970	1.98	1.98	I	Y	1.98	N		
Bill Date 040104 Total:							1.98						
Billed Order Total:							1.98						

Laverne Smith  
703 308  
Fax 703 7052



**BANNER & WITCOFF, LTD.**  
INTELLECTUAL PROPERTY LAW

601 SW SECOND AVENUE, # 1900  
PORTLAND, OREGON 97204

TEL: 503.425.6800  
FAX: 503.425.6801  
www.bannerwitcoff.com

---

**FACSIMILE TRANSMITTAL SHEET**

---

<b>TO:</b> Board of Appeals	<b>FROM:</b> Byron S. Kuzara
<b>COMPANY:</b> U.S.P.T.O.	<b>DATE:</b> May 10, 2004
<b>FAX NUMBER:</b> 703-308-7952	<b>TOTAL NO. OF PAGES:</b> 5
<b>RE:</b> Appeal No. 2004-1294 U.S. Serial No. 09/887,523	<b>OUR REFERENCE NO.:</b> 005127.00094

*If you do not receive all page(s) or have any problems receiving this transmission, please call:*

**NAME:** Lesa Wolman **PHONE:** 503-425-6800

**COMMENTS:**

BOARD OF PATENT  
APPEALS &  
INTERFERENCES  
MAY 10 2004

**IMPORTANT/CONFIDENTIAL:** This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND,  
OR